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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,509	01/26/2005	Jimmy Christian Hotz	XSTRM-0001	3468

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San Jose, CA 95164-0640

EXAMINER

LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,509

Applicant(s)

HOTZ, JIMMY CHRISTIAN

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 10-13, 16-34, 38, 41-43, 46-68 and 71-75 is/are pending in the application.

4a) Of the above claim(s) 49-64, 66-68 and 71-75 is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 10-13, 16-34, 38, 41-43, 46-48 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 10-13, 16-34, 38, 41-43, 46-48, and 65, are rejected under 35 U.S.C. 102(b) as being anticipated by Brockman, USPN 4,853,962.

With regard to claims 1, 7, 17, 21, 29, 38, 47, and 65, Brockman discloses an apparatus for encrypting/decrypting data (column 1 lines 5-7), the apparatus including a first plurality of encryption tables (column 1 lines 61-63), each of the encryption tables being capable of transforming a data value into an encrypted/decrypted value (column 1 lines 62-63), the data value corresponding to a unit of the data (column 3 lines 24-25), the encrypted/decrypted value corresponding to a unit of encrypted/decrypted data (column 3 lines 27-29) a second plurality of selection tracks, each of the selection tracks including a series of values having a certain pattern, a track mixer coupled to said second plurality of selection tracks, adapted to combine corresponding values of the selection tracks to produce a series of combined values (column 3 lines 46-52) and an encryption/decryption module coupled to said first plurality of encryption tables and said track mixer, adapted to transform each unit of the data into a unit of encrypted/decrypted data (column 1 lines 61-63) using an encryption table selected for

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that unit in accordance with a combined value in the series of combined values (column 2 lines 64-66).

With regard to claims 2, 18, 30, and 33 Brockman discloses the tracks are generated from source files (column 3 lines 21-24).

With regard to claims 3 and 34, Brockman discloses selecting a size for the unit (column 3 lines 46-57)

With regard to claims 10 and 41, Brockman discloses an encryption table bank and a decryption bank (column 3 lines 53-68).

With regard to claims 11, 16, 22-24, 42, and 46, Brockman discloses the encryption tables have corresponding decryption tables (column 3 lines 53-68).

With regard to claims 12 and 43, Brockman discloses the tables having the same address at the transmitter and receiver (column 4 lines 1-8), thus they are offset from each other by 0.

With regard to claims 13 and 48, Brockman discloses using the index to select a table (column 3 line 53-column 4 line 8).

With regard to claims 19, 20, 31, and 32, Brockman discloses modifying the serial number to create an index (column 3 lines 46-57).

With regard to claims 25, 26, and 27, keys inherently have a length that is different than other existing keys.

With regard to claim 27 Brockman discloses no keys derived by multiplying or dividing the length by 2.

Response to Arguments

3. Applicant's arguments filed 15 May 2007 have been fully considered but they are not persuasive.

Applicant argues that Brockman does not disclose a second plurality of tracks. In column 3 Brockman discloses that all receiver serial numbers are stored in a storage unit accessible to the transmitter (lines 21-23). This is a second plurality of tracks, and each track has a certain pattern (series of numbers).

Applicant argues that the limitations of claims 7, 17, 21, 38, and 47 are not disclosed. Applicant shows that synchronizing is defined in the specification to performing operations on the tracks one at a time. Brockman does operate one track at a time.

Applicant argues that Brockman does not disclose a size selector adapted to select a data length for the unit. Since a unit inherently has size, but creating a unit, it's size is selected. No operation is performed based on the selected size of claims 3 and 34.

Applicant argues that Brockman does not disclose a first encryption tables and second encryption tables. The examiner disagrees, and further points to column 1 lines 61-64, where Brockman clearly states that the transmitter and receiver each have a plurality of encryption tables, thus a first and second plurality of encryption tables. Applicant continually uses the expression, "the cited portion of Brockman". The examiner points out that no portion of Brockman is cited in the rejection and the claims are rejected over the entire reference. The column and line numbers listed in parenthesis are for reference, and should not be read in a vacuum. That being said, the

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column and line numbers in parenthesis contain the statement “that determines which encryption table to use for decrypting the signal”, which is why the examiner chose those lines.

Applicant argues that Brockman does not disclose modifying the tracks using parameters and selected mathematical function. The examiner first points out that encryption inherently uses mathematical functions and parameters. Further, Brockman discloses summing the parameters (digits in the index number).

Applicant argues that examiner has not shown selecting a key length “by which the certain pattern of the track recurs”. This is seen as a “whereby” clause, which is given no weight when it simply expresses the intended result (MPEP 2111.04). Further the example in Brockman of a selection track is 123456D (column 3 line 49) where the recurring pattern is the previous digit increase by 1.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL JL


KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER